UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

FILED

| UNITED STATES OF AMERICA, |) Magistrate Case No. 08 AUG 28 AN | 110: 25 | |
|---------------------------|--|-------------|--|
| Plaintiff, | CLERK, U.S. DISTRI | ICT COURT | |
| v. |) COMPLAINT FOR VIOLATION OF: | CKC | |
| Miguel RODRIGUEZ-Garcia | Title 8, U.S.C., Section 1326; Deported Alien Found in the United States | | |
| Defendant. | '08 MJ 2648 | '08 MJ 2648 | |

The undersigned complainant, being duly sworn, states:

On or about **August 24, 2008,** within the Southern District of California, defendant, **Miguel RODRIGUEZ-Garcia**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Immigration Enforcement Agent Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF August, 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On August 24, 2008, the United States Border Patrol apprehended the defendant, Miguel RODRIGUEZ-Garcia, for Illegal Entry into the United States near the Tecate, Port of Entry in San Diego, California. The defendant was subsequently booked into County jail on an outstanding warrant for California Penal Code 273.6(a), "Violate a Court Order to Prevent Domestic Violence". The Border Patrol agent determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from local custody.

On August 27, 2008, the defendant was referred from local custody to the custody of the United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database record checks identified the defendant as a national of Mexico having been previously deported from the United States to Mexico. The defendant was most recently ordered deported or removed from the United States by an Immigration Judge on or about April 26, 2006, and removed to Mexico on April 26, 2006, via the San Ysidro, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Miguel RODRIGUEZ-Garcia, a citizen and national of Mexico

SIGNATURE OF COMPLAINANT Immigration Enforcement Agent;

Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF AUGUST 2008.

UNITED STATES MAGISTRATE JUDGE